

102. The Affidavit establishes that the Read Me First manuals were actually made available to the public no earlier than November 13, 1988. Therefore, the Read Me First manuals are not prior art under section 102(b), since they were not "published" more than one year prior to the filing date of the parent case filed November 13, 1989.

The Examiner stated that "Applicant must further show that the true date of invention antedates this alleged later publication date for the 1988 Read Me First reference." This showing would remove the reference as prior art under section 102(a). However, the Affidavit establishes that the Read Me First manuals were published by Applicant. Since section 102(a) applies to acts of "others" and not that of the inventor, the Read Me First manuals are not prior art to the present invention under section 102(a). See In re Facius, 408 F.2d 1396, 161 USPQ 294 (C.C.P.A. 1969).

On the basis of the above remarks and the enclosed Affidavit, Applicant respectfully requests reconsideration and allowance of all pending claims.

Respectfully submitted,

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